UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANWAR, et al. v. FAIRFIELD GREENWICH LIMITED, et al.	Master File No. 09 CV 0118 (VM) 09 CV 5012 (VM) (Morning Mist Action) 09 CV 2366 (VM) (Ferber Action) 09 CV 2588 (VM) (Pierce Action)

MORNING MIST PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF THEIR MOTION TO VACATE CONSOLIDATION ORDER AND TO APPOINT MOVANTS' COUNSEL AS CO-LEAD DERIVATIVE COUNSEL

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Plaintiffs in the *Morning Mist* derivative action respectfully bring to the Court's attention the recent decision in *South Cherry Street, LLC v. Hennessee Group LLC*, in which the Second Circuit affirmed the dismissal, on pleading grounds, of a federal securities claim against an advisor who had recommended investment in a fund that was part of a Ponzi scheme. No. 07-3658-cv, 2009 U.S. App. LEXIS 15467, at *1-2, 36-46 (2d Cir. July 14, 2009).

The decision is relevant to issues raised in plaintiffs' June 24, 2009 memorandum, including the point that the *Anwar* Interim Class Counsel's decision to amend their pleading to assert federal securities claims -- which they previously stated "was not in the best interests of the class" -- will further delay the derivative cases and prejudice the derivative plaintiffs. *See* Mem. at 6-10 (Dkt. 175, 09 CV 0118).

Dated: July 17, 2009

Respectfully submitted,

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